

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BEYDOUN FOODS, INC.,

Plaintiff,

vs.

Case No. 12-CV-12558
HON. GEORGE CARAM STEEH

7-ELEVEN, INC.,

Defendant.

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ORDER ACCEPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION [DOC. 29]

Defendant/counter-plaintiff 7-Eleven, Inc. filed its motion for sanctions and/or to extend scheduling order dates, which was referred to the magistrate judge for report and recommendation. The matter is also before the court on defendant's bill of costs, which is also the subject of the report and recommendation.

The magistrate judge issued a report and recommendation which recommends that this court deny defendant's request to dismiss plaintiff's action or enter a default judgment on defendant's counterclaim. This is due to plaintiff's assertion that it will vigorously prosecute this action. The magistrate judge recommends that the remainder of the motion for sanctions be granted. The court has reviewed the file, record, and magistrate judge's report and recommendation. Objections to that report have not been filed by plaintiff within the established time period.

The court accepts the magistrate judge's report and recommendation and orders that plaintiff do the following if it wants to avoid dismissal of its complaint with prejudice

and/or entry of a default judgment in favor of defendant on the counterclaims:

1. Provide full and complete written responses to defendant's interrogatories without objection.
2. Produce without objection all documents responsive to defendant's requests for production of documents which plaintiff has within its possession, custody or control.
3. Serve its written interrogatory responses and all documents responsive to defendant's requests for production of documents on defendant within seven days of entry of this order.
4. Pay the reasonable expenses, including attorney fees, incurred by defendants as a result of filing the motion for sanctions.
5. Pay a monetary sanction to defendant in the amount of \$1,500.00 within seven days of entry of this order.

Furthermore, defendant is directed to submit a bill of costs itemizing the costs and fees associated with filing the underlying motion for sanctions. Such bill of costs should be filed with the court on or before October 18, 2013.

The scheduling order is amended as follows:

Discovery cutoff (for defendant only): December 13, 2013

Dispositive motion cutoff: January 17, 2014

Final pretrial order: April 21, 2014

Final pretrial conference: April 28, 2014

Jury trial: May 13, 2014 at 9:00 a.m.

Defendant's bill of costs relating to the January 4, 2013 motion to compel is granted and plaintiff is ordered to pay defendant \$455.00 within seven days of entry of this order.

IT IS ORDERED that the magistrate judge's report and recommendation is ACCEPTED.

IT IS HEREBY FURTHER ORDERED that defendant/counter-plaintiff's motion for sanctions and/or to extend scheduling order dates is GRANTED IN PART.

IT IS HEREBY FURTHER ORDERED that defendant's bill of costs is GRANTED.

SO ORDERED.

Dated: October 4, 2013

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on October 4, 2013, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk